

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

WP(C).No. 17354 of 2007(N)

PETITIONERS:

- 1. M.SUGUNAN,
EXCISE INSPECTOR, EXCISE RANGE OFFICE,
MALAPPURAM, RESIDING AT MELEDATH,
UNNIKULAM P.O., KOZHIKODE.**
- 2. P.L.SHIBU,
EXCISE INSPECTOR, EXCISE RANGE OFFICE,
AMARAVILA, THIRUVANANTHAPURAM, RESIDING AT
THUNDUVILAKATHU VEEDU, BALARAMAPURAM,
THIRUVANANTHAPURAM.**
- 3. V.A.PRADEEP,
EXCISE INSPECTOR, EXCISE RANGE OFFICE,
NEDUMKANDAM, IDUKKI, RESIDING AT VALSALYA,
KAYAMKULAM, ALAPPUZHA.**
- 4. VINOD KUMAR S.,
EXCISE INSPECTOR, OFFICE OF THE DEPUTY
COMMISSIONER OF EXCISE, SOUTH ZONE,
THIRUVANANTHAPURAM, RESIDING AT VRINDAVAN,
MUKKOLA P.O., THIRUVANANTHAPURAM.**
- 5. PADMAKUMAR,
EXCISE INSPECTOR, OFFICE OF EXCISE RANGE,
ANTHIKAD, THRISSUR, RESIDING AT THULASEE BHAVAN,
EDAKULANGARA P.O., KARUNAGAPPALLY, KOLLAM.**
- 6. Y.SHIBU,
EXCISE INSPECTOR, EXCISE RANGE OFFICE.
ARYANAD, THIRUVANANTHAPURAM, RESIDING AT
SHIBU BHAVAN, UNDAPPARA, POOVACHAL P.O.,
THIRUVANANTHAPURAM.**
- 7. RAJESH JOHN,
EXCISE INSPECTOR, E & IB, KOTTAYAM,
RESIDING AT EDATHINAKATHU HOUSE, CHELANNUR P.O.,
CALICUT.**

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**8. ROBERT V.,
EXCISE INSPECTOR, EXCISE RANGE OFFICE,
OTTAPPALAM, RESIDING AT JUSTIN HOUSE,
NEELESWARAM P.O., NEDUVATHOOR, KOTTARAKKARA.**

**9. S.KRISHNA KUMAR,
EXCISE INSPECTOR, EXCISE RANGE OFFICE,
KOLLAM, RESIDING AT MAYOORAM, KARUMUNDA,
SOUTH PARAVUR, KOLLAM.**

**10. RAJESH V.,
EXCISE INSPECTOR, EXCISE RANGE OFFICE,
CHATHANNUR, KOLLAM, RESIDING AT RAJEEV BHAVAN,
ULILYAKOVIL P.O., KOLLAM.**

BY ADV. SRI.M.SREEKUMAR

RESPONDENTS:

**1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
EXCISE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.**

**2. EXCISE COMMISSIONER,
COMMISSIONERATE OF EXCISE, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI.BIJOY CHANDRAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 06/06 /21007 , THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

K.BALAKRISHNAN NAIR, J.

W.P.(C) No.17354 of 2007-N

Dated this the 6th day of June, 2007.

J U D G M E N T

The second respondent has issued a provisional seniority list of Excise Inspectors in the Excise Department for the period from 2-6-2001 to 31-12-2003 by Ext.P1 dated 16-3-2007. In the proceedings published in the said seniority list, it was ordered that claims or objections, if any, against the seniority list shall be filed before the Commissioner, within 45 days. The petitioners submit, they have preferred Ext.P3 and similar representations on 30-4-2007. Thereafter, this writ petition is filed seeking a writ of mandamus against the second respondent to consider and pass orders on Ext.P3 and similar representations, in the light of Rules 2 and 5 of the Special Rules for Kerala Excise and Prohibition Subordinate Service. The petitioners claim, they apprehend that their representations will not be considered. I find no foundation for their apprehension. If their representations are filed in time, they will be considered along with other representations received. There is no reason to assume that the second respondent will fail to do that. Therefore, the prayer for a writ of mandamus at this stage is premature.

Accordingly, the Writ Petition is dismissed, without prejudice to the contentions of the petitioner.

K.BALAKRISHNAN NAIR,
JUDGE.

MS